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PTO/SB/30 (5/2000)

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/940,101
Filing Date	AUGUST 27, 2001
First Named Inventor	MARY E. GERRITSEN
Group Art Unit	1644
Examiner Name	BELYAVSKIY, MICHAEL A.
Attorney Docket Number	39766-0072 A2

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. §1.114.

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply (11 pages) 01/20/2004 EFLORES 00000087 081641 09940101
- ii. ☐ Affidavit(s)/Declaration(s) 01 FC:1001 770.00 DA
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Postcard.

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F. R. § 1.17(i) required)
- b. ☐ Other

3. Fees The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees of \$770.00, or credit any overpayments to Deposit Account No. 08-1641 (Docket No. 39766-0072 A2)
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) (\$770.00)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other
- b. ☐ Check in the amount of \$ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	JAMES A. FOX	Registration No. (Attorney/Agent)	38,455
Signature		Date	January 13, 2004

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addresses" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date: January 13, 2004

Name (Print/Type)	C. FONG	Date: January 13, 2004
Signature		Express Mail Label: EL 977 676 389 US

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop ___, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mary E. GERRITSEN, et al.

Application Serial No. 09/940,101

Filed: August 27, 2001

For: **ERBB4 ANTAGONISTS**

Art Unit: 1644

Confirmation No: 4279

Examiner: Belyavskiy, Michail A.

Attorney Docket No: 39766-0072 A2

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Date Mailed: January 13, 2004

RCE AMENDMENT AND RESPONSE

Mail Stop RCE

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

This Request for Continued Examination includes a response to the final Office Action, mailed on July 14, 2003. This RCE Amendment and Response being filed within two months of the filing date of the Notice of Appeal filed on November 14, 2003, this response is timely filed.

Please consider the following amendments and remarks.

In the following, amendments are indicated by underlining added text and by using strikeout letters for text to be deleted.